

NO. 5:08-CR-75-FL-1

ORDER

Under the terms of the program statement, defendant may be able to review a copy of his presentence report in the presence of BOP officials. BOP Program Statement No. 1351.05 ¶ 12.a(2)(d)(1). Defendant must request such access to the report through the BOP's administrative

¹ In Pugh, the United States Court of Appeals for the Fourth Circuit noted that a defendant may request his presentence report by submitting Freedom of Information Act (FOIA) request to the appropriate government agency. 69 F. App'x at 629; see also 5 U.S.C. § 552. Defendant, however, waived his right to request his presentence report under the FOIA as part of his plea agreement. (See Plea Agreement (DE 73) ¶ 2.d).

channels. The court expresses no opinion on whether defendant should be allowed access to his presentence report in this manner.

Based on the foregoing, the court DENIES defendant's motion for access to presentence investigation report (DE 103).

SO ORDERED, this the 6th day of August, 2019.



LOUISE W. FLANAGAN
United States District Judge